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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORDER GRANTING

United States of America,

Plaintiff,

v.

\$755,831 in United States Currency,

Defendant,

Oliver Jair Martinez-Mendez,

Claimant.

2:25-CV-310-APG-DJA

Reply to Non-Response to United States of America's Second Motion to Extend the Time to Respond, ECF No. 28, to Oliver Jair Martinez-Mendez's Motion to Set Aside Clerk's Default and to Dismiss the Forfeiture Complaint, ECF No. 23

The government certifies the Reply is filed timely. ¹

The government replies to Oliver Jair Martinez-Mendez's failure to respond to the Government's Motion to Extend the Time to Respond (Motion), ECF No. 28. ² The government filed the Motion on August 4, 2025, and Mendez's Response was due August 18, 2025. Because Mendez failed to respond to the government's Motion, he consents to granting the Motion. ³

¹ LR 7-2(b) and LCR 12-1(a)(3).

² Motion, ECF No. 28.

³ LCR 47-3 (formerly LCR 47-9) ("The failure of an opposing party to include points and authorities in response to any motion constitutes a consent to granting the motion"); *United States v. Martinez*, Nos. 2:04-CR-00286-KJD-(GWF) and 2:05-CV-1527-KJD-(GWF), 2006 WL 1215173, 1 (D. Nev. May 2, 2006); *United States v. Martinez-Rodriquez*, No. 2:08-CR-0093-JCM-(RJJ), 2009 WL 211906, 1 (D. Nev. Jan. 23, 2009); *Federal Trade Commission v.*

1 The government requested an extension of time to respond to, and to clarify the facts
 2 and statements of, Mendez's Motion to Set Aside Clerk's Default and to Dismiss the
 3 Forfeiture Complaint,⁴ to and including November 11, 2025. The government believes the
 4 clarification will cause Mendez to withdraw his Motion. The government also agrees, per
 5 Mendez's request, this Court delay entering the Motion for Entry of Default Judgment of
 6 Forfeiture, ECF No. 16, until after the resolution of Mendez's Motion.

7 The grounds for Government's request for the extension of time are as follows.

8 The government has been in process obtaining permission from the Court to provide
 9 sealed documents on two related sealed cases. The one Court granted permission on one of
 10 the related sealed cases, but the government waits on the Court for the other case. It is not
 11 within the government's control to obtain the Court's permission to provide the documents.

12 The parties have originally agreed on Stipulations for Protective Orders. The
 13 government believes the Stipulations are necessary to protect the disclosure of sensitive, law-
 14 enforcement information in connection with any investigations. The Stipulations have been
 15 in review with Mendez's counsel, Richard Wynn and Ismail Amin without any progress
 16 regarding one disputed issue. If Mendez's counsel and the government have a point of
 17 contention that cannot be resolved in the Stipulations, the government may pursue an
 18 alternate route for the sealed documents.

19 **CONCLUSION**

20 Based on the foregoing, this Court should grant an extension of time to, and
 21 including, November 11, 2025, for (1) the government to respond to the Mendez's Motion

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 27 *OMICS Group Inc.*, No. 2:16-CV-02022-GMN-VCF, 2017 WL 6806802, 2 (D. Nev. Dec. 15, 2017).

28 ⁴ Oliver Jair Martinez-Mendez's Motion to Set Aside Clerk's Default and to Dismiss the Forfeiture Complaint, ECF No. 23.

1 to Set Aside Clerk's Default and to Dismiss the Forfeiture Complaint, if Mendez does not
2 withdraw his Motion, and (2) for Mendez to respond to the Motion for Entry of Default
3 Judgment of Forfeiture.

4 Dated: August 21, 2025.

5 Respectfully submitted,

6 SIGAL CHATTAH
Acting United States Attorney

7 /s/ Daniel D. Hollingsworth
8 DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

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11 IT IS SO ORDERED:

12 Dated: August 22, 2025

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15 ANDREW P. GORDON
16 CHIEF UNITED STATES DISTRICT COURT JUDGE
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